

This is a final order in other than a contested case. This order is subject to judicial review under ORS 183.484. Any petition for judicial review must be filed within the 60 day time period specified by ORS 183.484(2). Pursuant to ORS 536.075 and OAR 137-004-0080 you may either petition for judicial review or petition the Director for reconsideration of this order. A petition for reconsideration may be granted or denied by the Director, and if no action is taken within 60 days following the date the petition was filed, the petition shall be deemed denied.

STATE OF OREGON

COUNTY OF WHEELER

CERTIFICATE OF WATER RIGHT

THIS CERTIFICATE ISSUED TO

PHILIP S. AND DOUGLAS E. WILSON
PO BOX 274
FOSSIL, OREGON 97830

confirms the right to use the waters of BUTTE CREEK, a tributary of the JOHN DAY RIVER, for IRRIGATION OF 19.0 ACRES.

This right was confirmed by decree of the Circuit Court of the State of Oregon for WHEELER COUNTY. The decree is of record at Salem, in the Order Record of the WATER RESOURCES DIRECTOR, in Volume 15, at Page 461. The date of priority is 1880.

The amount of water to which this right is entitled is limited to an amount actually beneficially used and shall not exceed 0.48 CUBIC FOOT PER SECOND, or its equivalent in case of rotation, measured at the point of diversion from the source.

The points of diversion are located as follows:

MCCONNELL DITCH: SW 1/4 NE 1/4, SECTION 25, T 6 S, R 20 E, W.M.;
2400 FEET SOUTH AND 1300 FEET EAST FROM N 1/4 CORNER, SECTION 25.

ADDITIONAL POD: SE 1/4 NE 1/4, SECTION 25, T 6 S, R 20 E, W.M.;
2400 FEET SOUTH AND 750 FEET WEST FROM NE CORNER, SECTION 25.

ADDITIONAL POD: SE 1/4 NW 1/4, SECTION 25, T 6 S, R 20 E, W.M.;
2270 FEET SOUTH AND 2330 FEET EAST FROM NW CORNER, SECTION 25.

The amount of water used for irrigation, together with the amount secured under any other right existing for the same lands, is limited to ONE-FORTIETH of one cubic foot per second per acre prior to June 1, and thereafter not to exceed ONE-EIGHTIETH of one cubic foot per second per acre during the remainder of the irrigation season, or its equivalent for each acre irrigated and shall be further limited to 1.0 acre-foot per acre during any calendar month prior to June 1, and not to exceed, during the irrigation season, 4.0 acre-feet per acre during season April 1 to September 30, measured at the point of diversion.

A description of the place of use to which this right is appurtenant is as follows:

SW 1/4 NE 1/4	2.3 ACRES
NE 1/4 NW 1/4	10.0 ACRES
NW 1/4 NW 1/4	3.2 ACRES
NW 1/4 SE 1/4	3.5 ACRES

SECTION 25

TOWNSHIP 6 SOUTH, RANGE 20 EAST, W.M.

The quantity of water diverted at the new points of diversion, together with that diverted at the old point of diversion, shall not exceed the quantity of water at the old point of diversion under the subject right.

When in the judgment of the Watermaster it becomes necessary to install headgates and measuring devices:

the diversion works shall include an in-line flow meter, a weir, or other suitable device for measuring the water to which the wateruser is entitled;

the type and plans of the measuring device be approved by the Watermaster before the beginning of construction work and that the weir or measuring device be installed under the general supervision of said Watermaster.

This certificate is issued to confirm ADDITIONAL POINTS OF DIVERSION approved by an order of the Water Resources Director entered on AUGUST 12, 1977, approving Transfer Application 3633, and together with Certificate 45016, supersedes Certificate 25833, State Record of Water Right Certificates.

The right to the use of the water for the above purpose is restricted to beneficial use on the lands or place of use described and is subject to all other conditions and limitations contained in said decree.

WITNESS the signature of the Water Resources Director, affixed

DEC 01 2006


Phillip C. Ward, Director
Oregon Water Resources Department



Recorded in State Record of Water Right Certificates Number 82775.

T-3633.JWG